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C O N F I D E N T I A L SECTION 01 OF 02 TUNIS 001192

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LONDON AND PARIS FOR NEA WATCHER

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TAGS: [PHUM](#) [PGOV](#) [PREL](#) [KDEM](#) [KPAO](#) [TS](#)  
SUBJECT: INDEPENDENT OPPOSITION PARTY'S PROBLEMS WORSEN

REF: A. TUNIS 595  
[1](#)B. TUNIS 408  
[1](#)C. 07 TUNIS 1329

Classified By: Ambassador Robert F. Godec for reasons 1.4 (b) and (d)

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Summary  
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[1](#)1. (C) On November 12 the opposition Progressive Democratic Party (PDP) learned that a legal decision could result in all of the furniture and equipment in its national headquarters being auctioned off without warning. In addition, lawsuits brought by five vegetable-oil companies against PDP leadership are still unresolved. During a November 29 hearing, the court once again postponed arguments, this time until January 3rd. Regardless of the motivation behind these various lawsuits, any one case has the ability to bankrupt the PDP and/or its leaders, effectively inhibiting the party's continued operation. The Embassy is sending an observer to all PDP hearings and the Ambassador is discussing the PDP situation with like-minded Ambassadors. End Summary.

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Courage is Good, Furniture Helps Too  
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[1](#)2. (C) The PDP's most pressing problem is a judgment ordering that all of its furniture be auctioned off, with proceeds going to the Banque de Tunisie (BT). According to former PDP Secretary General Nejib Chebbi, in 1984 the party opened a bank account at the Banque de Tunisie. The following year, it opened a bank account at another institution, but accidentally left its prior account open. BT closed the account in 1995, but by that time the account had been accumulating penalties and fees for ten years. The bank filed a lawsuit in 1995 claiming that the account had an outstanding balance. Since notification of the trial was sent to the wrong address, the PDP was unable to appear in court or appeal the ruling in favor of the bank. BT went to court again in 2001 to get the judgment enforced, but the notice of the trial was again sent to an incorrect address. The issue remained unresolved until May 2008, when BT petitioned to have the PDP's furniture and equipment auctioned off to pay its debt to the bank. The PDP was unaware of this petition until auditors appeared at their national headquarters on November 12 to inventory its possessions.

[1](#)3. (C) The PDP has been unable to ascertain the original amount due in its Banque de Tunisie account. The week of November 24, Chebbi filed a motion to have the judgment in favor of BT dismissed because of procedural irregularities, but no court date has been set. In the meantime, there is much confusion regarding the amount of the fine itself. Press reports place the fine at 6,000 TD (4,316 USD). The PDP's press release states the fine is 7,000 TD (5,035 USD),

and the Editor-in-Chief of the PDP's Arabic-weekly al-Mowqif Rachid Khachana agreed. Nejib Chebbi, however, stated that when he approached BT about a payment plan to repay the fine, the bank said it was owed 15,000 TD (10,791 USD). In any case, the PDP offered to pay the bank in 12 monthly installments, with an initial payment of 1,500 TD followed by monthly payments of 500 TD. The bank rejected the PDP's proposal. (Note: The sale of the PDP's furniture and equipment will likely net far less than 7,000 TD.)

¶4. (C) The auction was to have taken place on November 29 at 11:00 AM. The PDP had gathered a large number of supporters and journalists, and planned to try and buy back its furniture at auction. According to the PDP, however, the court appointed auctioneer failed to appear at 11:00. The crowd dispersed at 12:30 PM. Around 1:00 PM, the auctioneer did appear, but the PDP's lawyers said that because he arrived over two hours past the court-designated time the auction date should be rescheduled by the court. The PDP told PolOff that the auctioneer then left. In the report he filed with the court, the auctioneer alleged that a large crowd prevented him from holding the auction. The Banque de Tunisie can request that the police be called in to ensure that the auction is held. Should it do so, there is no requirement that the PDP be notified ahead of time when the auction will be held.

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The Never-ending Lawsuit  
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¶5. (C) On November 29, the Tunis Court of First Instance  
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postponed hearings in five lawsuits brought by vegetable oil-producing companies against two opposition Progressive Democratic Party (PDP) leaders until January 3. The suits initially went to trial on May 10 (Ref B). At issue is a court-ordered assessment of damages inflicted on the vegetable oil industry by an editorial in the PDP's Arabic-weekly al-Mowqif published on April 4. Lawyers for the PDP have requested to examine this report for several months. The court has consistently responded that the report is not yet ready. During the November 29 hearing, the PDP requested that hearings in the five cases be suspended until the report is ready, to save the interested parties appearing in court on a monthly basis only to find the report is still not available. The court did not respond to the PDP's request, and set a new court date for next month instead. The PDP contends that the outcome of the trial is predetermined, because it is unusual for the court to order an assessment of damages before the defendants have been found to be at fault (as is the case in the PDP trial).

¶6. (C) The PDP's latest problem is the lawsuit just filed against Chebbi by a building contractor. Al-Mowqif published an article on July 11 that reported that 50 people said they had been cheated by their construction company. The contractor in the article is alleging defamation. No court date has been set in this case or six other lawsuits against the PDP and/or its leadership.

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Comment  
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¶7. (C) The PDP contends that all of its legal troubles represent retaliation by the GOT for the PDP's attempts to promote increased freedom of expression and freedom of association. Whether or not this is true, the PDP is one of only two legal and fully independent opposition parties in Tunisia. Losing any one of the twelve pending lawsuits would severely impede the PDP's ability to function, if not effectively shut down the party. The PDP is arguably more active, and reaches a wider section of society than does the other independent opposition party, the Democratic Forum for

Liberty and Labor (FDTL). The loss of the PDP would leave many proponents for increased freedom of expression, freedom of association, and human rights without a "home." The Embassy has sent an observer to all of the PDP's hearings thus far, and will continue to report on developments as they occur. The Ambassador is also discussing the PDP's situation with like-minded Ambassadors and the possibility of a coordinated response. End Comment.  
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